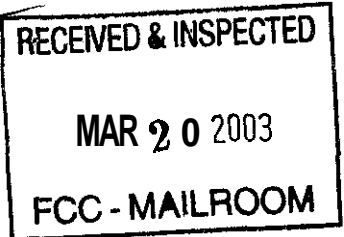


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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
Revision of the Rules and Policies for the)
Direct Broadcast Satellite Services)

Request for Declaratory Ruling on
DBS Service to Alaska from 101 Degrees W.L.

MICROCOM
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907-349-0016

Jim McCaffrey
General Manager

March 19, 2003

Request for Declaratory Ruling on DBS Service to Alaska from **101** Degree Slot

Microcom, a DBS distributor in Alaska, hereby petitions the Commission to compel DirecTV to seek an exemption to Section 25.148c of the Commission's rules and explain why it is not providing comparable service to Alaska. The purpose for this ruling is to provide clear information to video content providers about the extent to which DirecTV provides services to all of the United States.

Discussion

The Commission in its Report and Order on DBS (**IB** 98-21) directed DBS providers to provide reasonably comparable service to Alaska and Hawaii or "provide technical analyses to the Commission demonstrating that such service is not feasible as a technical matter, or that while technically feasible such services would require so many compromises in satellite design and operation as to make it economically unreasonable." DirecTV by its actions is not providing service to Alaska comparable to the services it offers in the rest of the continental US.

Specifically DirecTV does not have programming packages tailored to provide the programming available on the largest economically viable consumer satellite dish (1.8 meters). A consumer's only choice is to buy a package for which they will not receive all the programming. In addition, the latest generation of DirecTV receivers does not include Alaska zip codes in its setup database for elevation and azimuth and many of DirecTV's published consumer toll free numbers are not accessible from area code 907. We believe these actions must be justified to the Commission.

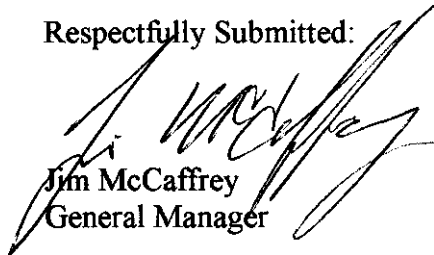
Specific Relief

Microcom requests the Commission compel DirecTV to apply for exemption to the geographic service requirements for serving Alaska under the Commission rules (25.148c) and explain why it is not technically feasible or is economically unreasonable to serve the major population centers in Alaska.

Impact

Failure of the Commission to grant this petition will result in program providers presuming that **101** degree orbital slot provides service to Alaska when that is not the case. This is misleading and affects the negotiations for **carriage** of the service if the actual situation were known. The result is a denial of the services to Alaskan subscribers when alternative capacity for carriage exists.

Respectfully Submitted:



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